

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

JAN 14 1997

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JAMES W. MCCORMACK, CLERK
By: R. Bonds
DEP. CLERK

MRS. WILLIE MAE YOUNG

V.

CIVIL ACTION NO. **LRC-97-0035**

THE CITY OF LITTLE ROCK, A Public
Body Corporate; JAMES BROWN, Badge Number
16781, Little Rock Police Department in
His Individual Capacity; JOHN DOE [Actual
Name Currently Unknown], the "DO" on Duty
in the Little Rock Police Department on
the Evening of November 16, 1996 in His\Her
Individual and Official Capacities;
RANDY JOHNSON in His Official Capacity
as Pulaski County Sheriff

This case assigned to District Judge Howe
and to Magistrate Judge Jones

Complaint

A. Introduction

(1.) This is an action by a citizen of the United States and the State of Arkansas seeking damages for harm caused by her arrest, her incarceration, and other, related negative treatment, wholly without cause, in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States, as well as 42 U.S.C. Sec. 1983. This action also seeks declaratory relief regarding the conduct to which the plaintiff was subjected, including two strip searches.

(2.) The court has jurisdiction of this action based upon 28 U.S.C. Sec. 1343(a)(3).

(3.) The Plaintiff Mrs. Willie Mae Young resides in Little

Rock, Arkansas with her husband James Young. The Young's children include Angela Young, age 23 (DOB 7\21\73) and Monica Young, age 19 (DOB 12\14\77).

(4.) The Defendant City of Little Rock is a public corporation created pursuant to the laws of the State of Arkansas. The departments of the City of Little Rock government include the Little Rock Police Department. The Police Department, under the leadership of its chief, establishes operational policies, including with regard to the authority of particular members of the force; the making of arrests; the use of computer data bases accessible to officers on patrol and other Department employees; and the handling of arrestees brought to the Little Rock Municipal Court for arraignment.

(5.) The Defendant James Brown is an officer employed by the Little Rock Police Department, Badge Number 16781. He is sued in his individual capacity.

(6.) The Defendant John Doe (actual name currently unknown) was the "DO" on duty in the Little Rock Police Department on the evening of November 16, 1996, who discussed Mrs. Willie Mae Young's arrest with the Defendant Brown and/or Brown's supervisor. This defendant is sued individually and in his/her official capacity.

(7.) The Defendant Randy Johnson is the Sheriff of Pulaski County. The Defendant Johnson, who is sued in his official capacity, is responsible for the establishment of policies for the governance of the Pulaski County Jail, including with regard

to the handling of persons arrested by the Little Rock Police Department during the periods of their incarceration at the Pulaski County Jail, and their transportation between the Pulaski County Jail and the holding cell in the Little Rock Municipal Court (in both directions).

B. Facts Giving Rise to the Plaintiff's Claims

(8.) The Plaintiff Willie Mae Young has never been convicted of any crime. The plaintiff has never been properly charged with any crime.

(9.) The Plaintiff Willie Mae Young and her husband, James Young, have owned a 1984 Ford LTD, which is blue in color, for approximately six years. The Youngs have been designated as the owners of this vehicle on the successive car registration forms, which they have kept in the car.

(10.) At a time and in a manner currently unknown to the Plaintiff, a person named Glenda Marie Walker used the Plaintiff's name as an alias.

(11.) In approximately July 1995, two uniformed officers of the Little Rock Police Department came to the Young's residence and arrested Mrs. Willie Mae Young based upon the existence of an arrest warrant for Glenda Marie Walker. They transported Mrs. Young to the Little Rock Police Department. These officers released Mrs. Young based upon her presenting materials identifying herself as Willie Mae Young.

(12.) In approximately May 1996 a uniformed officer of the Little Rock Police Department stopped the Young's 1984 Ford LTD

being driven by Mrs. Young with her husband as a passenger on Main Street in Little Rock. This officer, who mentioned the name of Glenda Walker, released Mrs. Young after viewing her Arkansas driver's license and making a call on his car radio.

(13.) During the week beginning Sunday, November 10, 1996, a uniformed officer of the Little Rock Police Department stopped the Young's 1984 Ford LTD being driven by Angela Young with James Young as a passenger near the Young's residence on South Gaines. The officer asked if they knew Glenda Walker. The officer released the Youngs after being shown Angela Young's learner's permit and Arkansas identification bearing her picture; James Young's Arkansas identification bearing his picture; and the car registration document.

(14.) On November 16, 1996, at approximately 3:30 p.m., Angela Young was driving the Young's 1984 Ford LTD on Confederate Boulevard in Little Rock with Mrs. Young as a passenger in the front seat and her daughter Monica Young as a passenger in the back seat of the car. At this time, the Defendant Officer Brown, who was alone in his police car, directed the Young's to park their car; Angela Young complied with this directive.

(15.) As of the time that the Defendant Brown directed the Youngs to park their car, the computer information system accessible in his police car contained data about an active arrest warrant for Glenda Marie Walker (warrant # 405189) for the misdemeanor offense of "contempt of court." This warrant contained the following information under the heading "additional

suspect history to follow":

RES 2624 ARCH LITTLE ROCK AR
RES 56 CALIFORNIA LITTLE ROCK AR 72206
RES 2813 WELCH LITTLE ROCK AR 72206

WILLIE MAE YOUNGKER BLACK FEMALE, DOB 02\24\53, 5 FEET
3 INCHES, 145 LBS, OID 54651

GLENDIA PLATT WALKER BLACK FEMALE, DOB 02\21\62 5 FEET 3
INCHES, 120 LBS, SSN 432067329
GLENDIA PLATT WALKER BLACK FEMALE
84 FORD PC LIC# TAL664 AR

(16.) In the period shortly after his stopping of the Young's car, the Defendant Brown secured the following facts demonstrating that the person in the passenger seat of the car was Willie Mae Young, rather than the subject of the arrest warrant, Glenda Marie Walker.

(a.) The computer information system identified the owners of the 1984 Ford, bearing the Arkansas license plate number TAL664, as James Young and Mrs. Willie Mae Young, 2809 South Gaines, Little Rock, Arkansas.

(b.) In response to Officer Brown's request, Angela Young provided him a valid Arkansas automobile learner's permit in her name, and an Arkansas identification card with her name, her date of birth, her signature, and her picture.

(c.) In response to Officer Brown's request, the Plaintiff Willie Mae Young provided him a valid Arkansas driver's license bearing her name, her date of birth (2\24\53), her picture, her signature, and her address (2809 South Gaines, Little Rock).

(d.) In response to Officer Brown's request, Monica Young exited the Young's car. In response to the defendant's questions,

she provided her name (Monica Young), her age (18), and her date-of-birth (12\14\96).

(e.) After Willie Mae Young exited her car at defendant Brown's direction, she repoded to his question of whether she knew Glenda Walker by identifying Glenda Walker as her sister-in-law.

(f.) In response to Officer Brown's reference to the offense of "skipping court," Mrs. Willie Mae Young responded in substance: I don't know anything about that; that does not refer to me.

(17.) At the scene of her interrogation on Confederate Boulevard, where the questioning was visible to patrons of a nearby store, her daughters, and passing motorists, the Plaintiff Willie Mae Young began to cry. After securing the information set forth in paragraph (16.), the Defendant Brown arrested Mrs. Young based upon the warrant for Glenda Marie Walker. He handcuffed her, directed her to sit in the rear, caged part of his Little Rock police car (plainly identified by its coloring, symbols, and lettering), and drove her to the Pulaski County Jail in Little Rock, where employees of the Pulaski County Sheriff's Department, under the direction of the Defendant Randy Johnson, assumed custody of her.

(18.) On the evening of November 16, 1996, James Young, Angela Young, and Mark Walker, Mrs. Young's brother, went to the Little Rock Police Department to seek the plaintiff's release. They spoke to the Defendant Brown and Brown's supervisor, who

determined by examining a picture of Glenda Marie Walker available at the police department that Mrs. Young had been arrested erroneously. The Defendant Brown and/or Brown's supervisor then spoke to the Defendant John Doe, the "DO" then on duty, seeking Mrs. Young's release. However, the Defendant Doe determined that she should not be released.

(19.) In the period from her arrival at the County Jail at approximately 4:15 p.m. on Saturday afternoon, November 16, 1996 until she was transported from the jail to the Little Rock Municipal Court at approximately 7:30 a.m. on Monday morning, November 18, 1996, the plaintiff Mrs. Willie Mae Young had the following experiences:

(a.) One uniformed officer of the Pulaski County sheriff's department "booked her" by securing her name, address, age, date-of-birth, and phone number, and another took her "mug shot."

(b.) Her jewelry was confiscated and along with her socks and shoes placed in a paper bag and taken from her.

(c.) She was subjected to a "pat down" search.

(d.) She was placed in a locked holding cell, with approximately five other women, where she remained for approximately 15 hours until 7:00 a.m. Sunday morning, November 17, 1996. This room did not have mattresses or blankets, but instead only wooden benches. She could not sleep that night. It was cold. She cried some, felt angry, frightened, and mystified about why a good citizen would be treated in this manner.

(e.) At approximately 3:30 to 4:00 a.m. on Sunday, November

17, she was required to remove her clothes and to change to an orange jail uniform and panties provided by the jail. The panties and the jail uniform were dirty.

(f.) She was subjected to a visual strip search by a female jail employee, whom she did not know. Another female arrestee, whom she did not know, was present, and similarly subjected to a strip search at the same time. They were made to drop their jail uniforms to the floor and to lower their panties. Thus, they were nude when searched. This search caused Mrs. Young to feel very embarrassed.

(g.) She was transferred to a locked area, resembling a pod, surrounded by locked cells full of incarcerated persons. There were mattresses on the floor. She spent the period from Sunday morning to Monday morning, roughly 24 hours, along with 10 other women, in this area surrounded by cells. She had a sheet and a blanket on Sunday night, but slept little; it was cold and she was very upset.

(h.) Early on Monday morning, a jail employee told Mrs. Young and other persons that they would be going to the court. They were moved to a holding cell, where Mrs. Young was chained to approximately six other women.

(i.) She was unable to eat any of the food served during this period of approximately 40 hours which she spent in the Pulaski County Jail. She was too upset.

(20.) She and the women to whom she remained chained were placed on a bus which took them to the Little Rock Municipal

Court building on South Markham. There was also a group of men, wearing orange jail uniforms, chained together on the bus. Upon their arrival at the court building, they were placed in holding cells, outside the courtroom, with the chains removed as they entered the cells. Once court began, members of the Little Rock Police Department brought persons from the cells to the courtroom in small groups. Mrs. Young waited in the holding cell for approximately an hour before being brought into the courtroom.

(21.) When brought to the courtroom, Mrs. Young was required to sit on a bench, near the front of the courtroom, with several others persons, who were also wearing orange jail uniforms. She remained seated on the bench until her case was reached, a period of approximately 15 minutes. The area of the courtroom in which members of the public are allowed to sit, which has a capacity of approximately 120 persons, was nearly full. There were a number of uniformed police personnel carrying weapons in the courtroom. The plaintiff Mrs. Willie Mae Young was embarrassed to be in the courtroom in these circumstances.

(22.) Ultimately, Mrs. Young was directed to stand at the podium facing Judge Lee Munson. The judge referred to Glenda Walker and identified the charge as failing to appear in court. A public defender informed the judge that the wrong person had been arrested. Judge Munson directed that Mrs. Young be fingerprinted. A uniformed Little Rock police officer seated adjacent to the judge then fingerprinted the Plaintiff Willie Mae Young in the courtroom. A uniformed Little Rock police officer then returned

Mrs. Young to the locked holding cell until she was brought into the courtroom for a second time.

(23.) Upon the plaintiff's return to the courtroom, Judge Munson stated that the wrong person had been arrested and that Mrs. Young should be released. Shortly thereafter, however, a uniformed Little Rock police officer returned Mrs. Young to the locked holding cell. She was jailed there for approximately 30 minutes. She was then chained to approximately five other women and returned to the Pulaski County Jail in a van.

(24.) At the jail, Mrs. Young was returned to the custody of the Pulaski County Sheriff's Department. She was again locked in a cell with other persons in orange jail uniforms. She and six other women were then brought to a room where a female employee of the jail, whom she did not know, conducted a visual strip search of the seven women. The seven women being searched were directed to allow their uniforms to drop to the floor and to pull down their panties. While nude, she had to bend over while the officer looked at her. Mrs. Young did not know any of the other women, another of whom was to be released. This search in front of many strangers caused Mrs. Young to feel very embarrassed.

(25.) After the strip search, employees of the Sheriffs' Department returned the Plaintiff to the locked area surrounded by cells where she had been incarcerated earlier. Again, she was too upset to eat the food served while jailed in this area.

(26.) At approximately 2:00 p.m. on Monday, November 18, 1996, roughly 46 hours after her ordeal began, the Sheriff's

Department released Mrs. Young. Her husband and other family members then took her, at her request, to her family physician.

(27.) The Plaintiff Mrs. Willie Mae Young experienced harm as a consequence of the acts, policies, customs and usages of the defendants detailed in this complaint.

(a.) In the period from her arrest by the Defendant Brown on November 16, 1996 through her release on November 18, 1996, the plaintiff experienced the violation of her constitutional and statutory rights; mental anguish and emotional distress; loss of freedom of movement; fear; embarrassment and humiliation; periods of crying; loss of appetite; physical discomfort and sleeplessness.

(b.) In the period after her release, the plaintiff has experienced mental anguish and emotional distress; loss of appetite; sleeplessness; nightmares (of her ordeal recurring); headaches; and a fear of driving.

(28.) On December 2, 1996 and December 11, 1996, 14 and 23 days, respectively, after the plaintiff's release, the computer information system accessible to Little Rock police officers contained information concerning an active arrest warrant for Glenda Marie Walker, with references to Mrs. Willie Mae Young of the type which led to her wrongful arrest and incarceration.

(29.) The defendant John Doe served as the final decision-maker for the Police Department of the City of Little Rock on the evening of November 16, 1996, when he determined that the Plaintiff Willie Mae Young should not be released. See paragraphs

(6.), (18.).

(30.) The treatment of Mrs. Young by members of the Little Rock Police Department after Judge Lee Munson directed that she be released (see paragraph 23) was in accordance with the policies of the Police Department of the City of Little Rock.

(31.) The policies and customs of the Police Department of the City of Little Rock in the areas of arrests, use of the computer information system, the authority of the "DO", and the treatment of persons released by the judge of the Municipal Court caused, in part, the harm experienced by the plaintiff.

(32.) The strip searches of Mrs. Young and other persons described in paragraphs [19(f.)] and (24.) of this complaint were undertaken pursuant to the policies of the Pulaski County Sheriff's Department.

(33.) The treatment of Mrs. Young by employees of the Pulaski County Sheriff's Department upon her return to the County Jail, after Judge Lee Munson directed that she be released (see paragraphs 23-25), was in accordance with the policies of the Sheriff's Department.

(34.) The actions violating the rights of the Plaintiff Willie Mae Young described in this complaint were undertaken under color of law.

C. Claims for Relief

(35.) The Defendant Brown's arrest of the Plaintiff Willie Mae Young violated her right under the Fourth and Fourteenth Amendments to the Constitution of the United states, as well as

42 U.S.C. Sec. 1983, not to be arrested except in the case of probable cause to believe that she had committed or was committing a criminal offense.

(36.) The Defendant John Doe's determination on the evening of November 16, 1996 that Mrs. Willie Mae Young should remain in jail violated her right under the Fourth and Fourteenth Amendments to the Constitution of the United States, as well as 42 U.S.C. Sec. 1983, not to be arrested or incarcerated, except in the case of probable cause to believe that she had committed or was committing a criminal offense.

(37.) The Defendant City of Little Rock caused in part the violations of plaintiff's rights, afforded by the Fourth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. 1983, by reason of the policies and customs of its Police Department.

(38.) The strip searches which Mrs. Young experienced pursuant to the policies of the Pulaski County Sheriff's Department were violative of the Fourth and Fourteenth Amendments to the Constitution of the United States, as well as 42 U.S.C. Sec. 1983.

(39.) The facts set forth in paragraphs 19(d.), (e.), and (f.); and 23-25 of this complaint, concerning the plaintiff's treatment upon her arrival at the Pulaski County Jail, strip searches, and plaintiff's treatment at the Pulaski County Jail after Judge Lee Munson stated that she should be released, establish that the plaintiff was subjected to punishment without

due process of law, pursuant to policies for which the Defendant Randy Johnson is responsible, in violation of the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. Sec. 1983.

WHEREFORE the Plaintiff Mrs. Willie Mae Young prays that the court, after a hearing of this matter:

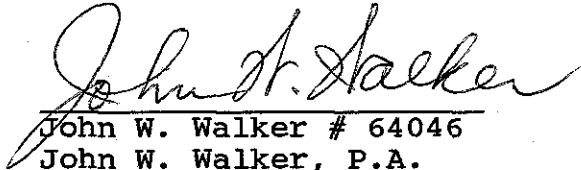
(a.) enter declaratory relief that the actions of each defendant addressed in this complaint violated federal law, as specified in this complaint;

(b.) award damages against each defendant to compensate the plaintiff for the harm which she experienced;


(c.) award plaintiff her attorneys' fees and the costs of this action; and

(d.) grant such other and further relief as the needs of justice may require.

Respectfully submitted,


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